

**REMARKS**

The Examiner's rejections under 35 U.S.C. § 102(e) and 103(a) are respectfully traversed. Reconsideration of this application and prompt allowance is respectfully requested.

**The Rejection Under 35 U.S.C. § 102 and § 103**

In the advisory action dated January 22, 2009, the Examiner in rejecting claims 1, 8, 15, 16, and 19 stated "Perras discloses that at the completion of the link being established (column 4, lines 50-52; Figure 2, 20), via the airwaves (column 4, lines 65-67) an agent advertisement message is sent (column 4, lines 63-65; Figure 2, 44) which contains configuration information (column 4, lines 65-67, whereby the configuration is established via MIP)." The "link" referred to by the Examiner as being established is a PPP connection (*see column 4, lines 50-52; FIG. 2, 20*). The Examiner then used post PPP connection messages, such as an advertisement message to show the claimed limitations. In fact, Perras' method starts at 20 with the establishment of the PPP connection (*see column 4, lines 50-53*), and Perras fails to show or suggest any communications between mobile node 36 and PDSN 40 prior to the PPP connection is established in 20 (*see Figure 2*). Since Perras is focused on *events after the "link" or PPP connection establishment, and post link messaging and timers*, Perras fails to show or suggest link configuration signaling or events that lead to the link establishment.

**Independent Claims 1, 8, 15**

Independent claims 1, 8, and 15 require (italics added):

waiting a set time period to allow establishment of the radio air link before sending a *link configuration request* to the mobile subscriber, wherein the *link configuration request is used to setup a data link connection* between the mobile subscriber and the packet data server (claim 1);

waiting a first set time period from sending the initial *link configuration request* signal for the mobile subscriber before sending a second initial *link configuration request* signal, wherein the first set time period provides additional time for establishment of the radio air link (claim 8);

following receipt of said signal indicating that the radio air link has been successfully established, sending a *link configuration request* signal to the mobile subscriber to establish a connection between the mobile subscriber and the packet

data server, wherein the connection allows the establishment of the data communication session (claim 15).

Perras fails to show or suggest “waiting a set time period to allow establishment of the radio air link before sending a *link configuration request* to the mobile subscriber” as required by claim 1. Perras merely shows a box in Figure 2 labeled “PPP connection is established,” with no additional information as to how the data link connection is established on the airwaves or the signaling involved. Since Perras is silent as to this aspect, the reference fails to show “sending a link configuration request” which is needed to establish the link, or “waiting a set time period . . . before sending a link configuration request” as claim 1 requires. In fact, Perras teaches using a timer after the link is established (see Figure 2, 41), which completely different than waiting before the link is established on the radio air link. As such, Perras also fails to show or suggest “waiting a first set time period from sending the initial *link configuration request* signal for the mobile subscriber before sending a second initial *link configuration request* signal” as claim 8 requires for at least the same reasons as claim 1.

Claim 8 also requires “sending a signal from the packet data server to trigger the establishment of a radio air link between the base station and the mobile subscriber to allow communication between the packet data server and the mobile subscriber.” Perras fails to show or suggest this limitation because Perras does not describe any steps prior to the PPP connection is established in 20. Even if the Examiner considered the airwaves or radio air interface 37 to be the radio air link, Perras fails to mention what triggers the establishment of the radio air interface.

Perras fails to disclose “following receipt of said signal indicating that the radio air link has been successfully established, sending a link configuration request signal to the mobile subscriber to establish a connection between the mobile subscriber and the packet data server” as required by claim 15. In the Final Office Action on page 3, the Examiner failed to show a “signal indicating that the radio air link has been successfully established” and only pointed to an agent advertisement message to show this limitation. Later, in the Advisory Action the Examiner pointed to establishment of a “link” 20 to show a “signal indicating that the radio air link has been successfully established.” The problem with using Perras’ established “link” is that it occurs after the link has been configured. The claim requires sending “a link

configuration request signal” following “receipt of said signal indicating that the radio air link has been successfully established.” As mentioned above, Perras is silent about how the link is established and any signaling prior to the establishment of Perras’ link 20. Even if the Examiner used the radio air interface 37 of Perras to show the radio air link of claim 15, Perras still fails to disclose “a signal indicating that a radio air link has been successfully established” because Perras does not describe how the radio air interface 37 is established.

Independent Claims 16 and 19

Independent claims 16 and 19 require (italics added):

*waiting to transmit a configuration request signal for a Point-to-Point Protocol (PPP) connection setup from the data packet server module to the mobile subscriber (claim 16);*

*said packet data server including a processor that triggers the establishment of the radio air link and attempts sending a link configuration request signal over said communication network responsive to an indication that said radio air link is ready to carry said link configuration request signal to said mobile subscriber to establish a first Point-to-Point Protocol (PPP) connection (claim 19).*

For at least the same reasons mentioned above, Perras fails to show or suggest “waiting to transmit a configuration request signal for a Point-to-Point Protocol (PPP) connection setup” as claim 16 requires. Perras is silent about any communications between mobile node 36 and PDSN 40 before Perras’ PPP link 20 is established (Figure 2). There is no “configuration request signal” to setup a PPP connection in Perras, and Perras discloses a PPP timer 41 after the establishment of a PPP connection. This is in sharp contrast to claim 16 which requires “waiting to transmit a configuration request signal” for a PPP connection setup.

Further, Perras fails to show or suggest “sending a link configuration request signal over said communication network responsive to an indication that said radio air link is ready.” For at least the same reasons mentioned in claim 15, Perras does not describe “an indication that said radio air link is ready.” Perras fails to disclose any indications prior to the establishment of a PPP connection in 20 (Figure 2).

For at least the forgoing reasons, applicants respectfully request that the rejection be removed from independent claims 1, 8, 15, 16 and 19, and that these claims be placed in a condition for allowance.

Dependent Claims are Allowable

Applicants respectfully submit claims 2-7, 9-14, 17-18, and 20-22 each of which depend from one of independent claims 1, 8, 15, 16, or 19 are allowable at least for the same reasons given above. For at least the foregoing reasons, applicants respectfully request the Examiner's rejection be withdrawn and the claims be allowed.

Authorization

The Director is hereby authorized to charge any additional fees, which may be required for this amendment, or credit any overpayment to Deposit Account No. 08-0219.

In the event that an Extension of Time is required, or which may be required in addition to that requested in a petition for an Extension of Time, the Director is requested to grant a petition for that Extension of Time which is required to make this Reply timely, and is hereby authorized to charge any fee for such an Extension of Time or credit any overpayment for an Extension of Time to Deposit Account No. 08-0219.

Respectfully submitted,

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